

MM.78CP1C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fangrow et al.
Appl. No. : 09/879,364
Filed : June 12, 2001
For : MEDICAL VALVE WITH
POSITIVE FLOW
CHARACTERISTICS
Examiner : Kevin C. Sirmons
Group Art Unit : 3763

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 3.73(b), Petitioner, ICU Medical, Inc., a Delaware corporation, represents that it is the assignee of the entire right, title, and interest in the present patent application by virtue of an assignment from the inventors, which is recorded at Reel 9577, Frame 0806. Petitioner also represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,245,048 by virtue of an assignment from the inventors. The assignment of the '048 patent was made in an assignment document filed with the U.S. Patent and Trademark Office and recorded at Reel 8600, Frame 0637. The foregoing patent application and patent have been commonly owned by Petitioner ever since the time each claimed invention was made.

Assignee hereby disclaims, except as noted below, the terminal portion of any patent granted on the present application, which would extend beyond either of the expiration dates of the full statutory terms defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of the '048 patent. Applicant hereby agrees that any patent granted on the above-captioned application shall be enforceable only for and during such period that legal title to said patent shall be the same as legal title to the '048 patent. This agreement binds Petitioner's successors and assigns.

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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory terms defined in 35 U.S.C. §§ 154-156 and 173 of the '048 patent, as presently shortened by any terminal disclaimer, in the event that the '048 patent granted later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all its claimed canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned representative verifies that he is authorized to take this action on behalf of Petitioner. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/3/06

By: Paul N. Conover

Paul N. Conover
Registration No. 44,087
Attorney of Record
Customer No. 20,995
(949) 760-0404

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